

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 749

Introduced by Assembly Member Diaz
(~~Coauthor: Assembly Member Alquist~~)
(Coauthors: Assembly Members Alquist, Aroner, Firebaugh,
Havice, and Strom-Martin)
(Coauthor: Senator Alarcon)

February 22, 2001

An act to amend Section 3572.3 of the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 749, as amended, Diaz. Higher education labor relations: University of California: temporary or per diem employees.

Existing law contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, including the various campuses of the University of California and the California State University, as well as the Hastings College of the Law. These provisions provide that these employees have the right to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of labor relations.

This bill would require, for any collective bargaining agreement entered into under those provisions on or after January 1, 2002, that, at

the option of the employee, ~~any~~ a temporary or per diem employee of the University of California who *is not an academic employee, and who* works at least 1,000 hours in any 12-month period, be reclassified as a permanent employee.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3572.3 of the Government Code is
2 amended to read:

3 3572.3. (a) This section shall apply only to the University of
4 California.

5 (b) The duty to engage in meeting and conferring requires the
6 parties to begin meeting and conferring at least 60 days prior to the
7 expiration of memoranda of understanding, or the May 1, if earlier,
8 of any year in which a memorandum shall expire, or May 1, if there
9 is no existing memorandum. The University of California and the
10 Hastings College of the Law shall maintain close liaison with the
11 Department of Finance and the Legislature relative to the meeting
12 and conferring on provisions of the written memoranda that have
13 fiscal ramifications.

14 (c) (1) No written memoranda reached pursuant to this chapter
15 that require budgetary or curative action by the Legislature or
16 other funding agencies shall be effective unless and until that
17 action has been taken. Following execution of written memoranda
18 of understanding, an appropriate request for financing or
19 budgetary funding in the aggregate for all state-funded employees
20 or for necessary legislation shall be forwarded promptly to the
21 Legislature and the Governor or other funding agencies.

22 (2) (A) When memoranda require legislative action pursuant
23 to this section, if the Legislature or the Governor fail to fully fund
24 the memoranda or to take the requisite curative action, each of the
25 memoranda shall be referred back to the parties for further meeting
26 and conferring.

27 (B) Notwithstanding subparagraph (A), the parties may agree
28 that provisions of the memoranda that are nonbudgetary and do not
29 require funding shall take effect whether or not the aggregate
30 funding requests submitted to the Legislature are approved.

1 (3) The Legislature recognizes that the University of
2 California's sources of funding are multiple and that approval by
3 the Legislature, and by other public agencies, as to employees
4 funded by those agencies, may be required prior to implementation
5 of increased expenditures resulting from agreements reached in
6 accordance with this chapter.

7 (d) For any collective bargaining agreement entered into under
8 this chapter on or after January 1, 2002, ~~any~~ a temporary or per
9 diem employee of the university who *is not an academic employee*,
10 and works at least 1,000 hours in any 12-month period shall, at the
11 option of that employee, be reclassified as a permanent employee
12 and entitled to all statutory and contractual rights afforded to a
13 permanent employee.

